

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

5 Application No.: 10/637,882) Confirmation No.: 2524
Applicant: Spenser et al.)
Filed: August 8, 2003)
10 T.C./A.U.: 3738)
Examiner: William H. Matthews)
15 Docket No.: PVI-5789CIPDIV)
Customer No.: 30452)

Mail Stop AF
20 Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER UNDER 37 CFR §1.321(b)

25 Petitioner, Edwards Lifesciences Corporation, a Delaware Corporation with its principal offices located at One Edwards Way, Irvine, in the County of Orange and State of California, represents that it is the assignee of the entire right, title and interest in and to the invention disclosed in the above-referenced U.S. Patent Application No. 10/637,882.

The present application is a divisional of U.S. patent application Ser. No. 10/270,252, 30 filed Oct. 11, 2002, now U.S. Patent No. 6,730,118, which is a continuation-in-part of U.S. patent application Ser. No. 09/975,750, filed Oct. 11, 2001, now U.S. Patent No. 6,893,460. All of the aforementioned patents and applications are commonly owned by Petitioner.

Petitioner represents that it is the assignee of the entire right, title and interest in and to the invention disclosed in U.S. Patent No. 6,893,460, and continuations thereof, by the 35 assignment from the inventor to Petitioner recorded on November 10, 2003 at Reel/Frame No. **014116/0659**.

In accordance with 37 CFR 3.73, the undersigned certifies that the evidentiary documents with respect to ownership have been reviewed and that, to the best of the knowledge and belief of the undersigned, title is in the Petitioner seeking to take this action.

40 **Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application which would**

extend beyond the expiration date, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 6,893,460.

Petitioner hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that it and U.S. Patent No. 6,893,460 are commonly owned. This Agreement runs with any patent granted on the above-identified application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 USC §§ 154 to 156 and 173 of U.S. Patent No. 6,893,460, as presently shortened by any terminal disclaimer, in the event that U.S. Patent No. 6,893,460: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Please charge the Terminal Disclaimer fee (\$130) under 37 CFR §1.20(d) to Deposit Account No. 501225 (PVI-5789CIPDIV).

Respectfully submitted,

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